

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

JAMES STEWART and SUSAN  
STEWART, of behalf of themselves  
and all others similarly situated,

Plaintiff,

v.

PRACTICE RESOURCES, LLC,

Defendant.

Case No.: 6:22-cv-890

JOHN BACHURA, individually and  
on behalf of others similarly situated,

Plaintiff,

v.

PRACTICE RESOURCES, LLC,

Defendant.

Case No.: 5:22-cv-905

**PLAINTIFFS' UNOPPOSED MOTION TO CONSOLIDATE PURSUANT  
TO FED. R. CIV. P. 42(A) AND APPOINT MIGLIACCIO & RATHOD, LLP  
AND WEITZ & LUXENBERG, P.C. AS INTERIM CO-LEAD COUNSEL  
FOR THE CLASS**

**TO ALL PARTIES AND THEIR COUNSEL OF RECORD:**

**PLEASE TAKE NOTICE** that the above-referenced motion to consolidate pursuant to Fed. R. Civ. P. 42(A) and appoint interim co-lead class counsel is hereby noticed for a date and time to be designated by the Court. Plaintiffs James Stewart, Susan Stewart, and John Bachura,

through their undersigned counsel, hereby move this Court, before the Honorable Lawrence E. Kahn at the United States District Court for the Northern District of New York, for an Order:

1. Consolidating *Stewart v. Practice Resources, LLC*, No. 6:22-cv-890 (N.D.N.Y) and *Bachura v. Practice Resources, LLC*, No.: 5:22-cv-905, as well as any future related actions, under the docket number of this first filed case: 6:22-cv-890, and under the title “*In re Practice Resources, LLC, Data Security Breach Litigation*”; and

2. Appointing Migliaccio & Rathod, LLP and Weitz & Luxenberg, P.C. as interim co-lead counsel for the purported class.

This Motion is made pursuant to Rule 42(A) and Rule 23(g)(3) of the Federal Rules of Civil Procedure on the grounds that consolidation of the above-captioned actions will conserve party and judicial resources, and that appointment of interim co-lead counsel is necessary to “fairly and adequately represent the interests of the class.”

This Motion is based on this Notice of Motion, the accompanying Memorandum of Law, the Proposed Order submitted herewith, and any other matter the Court may wish to consider. Practice Resource’s counsel has advised Plaintiffs’ counsel that they do not oppose the instant motion or the briefing schedule set forth in the Proposed Order.

Plaintiffs submit that they do not require oral argument for this motion, and that this motion can be decided on the papers.

Dated: October 17, 2022

Respectfully submitted,

By: /s/ Nicholas A. Migliaccio  
Nicholas A. Migliaccio  
(New York Bar No. 4035838)  
Jason S. Rathod  
(pro hac vice anticipated)  
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